

SAUDI ARABIA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Feb 58	Royal Decree No. 33	12nm	
	Apr 96	Declaration made upon ratification of Law of the Sea Convention		See below.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Feb 58	Royal Decree No. 33		Established straight baselines; see LIS No. 20.
III. CONTIGUOUS ZONE	Feb 58	Royal Decree No. 33	18nm	Maritime surveillance to ensure compliance with law relating to security, navigation, fiscal and health matters. U.S. does not recognize claim to security jurisdiction.
IV. CONTINENTAL SHELF	May 49	Royal Proclamation	Non-specific	
	Sep 68	Royal Decree M/27: Regulations for the ownership of Red Sea resources	Non-specific	Claimed ownership of specific hydrocarbons and minerals in "the zone extending in the Red Sea bed adjacent to the Saudi continental shelf."
V. FISHING ZONE/EEZ	Apr 74	Foreign Ministry Statement	Non-specific	Fishing zone.
VI. ENVIRONMENTAL REGULATION	Feb 82	Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment		Agreement between Jordan, Saudi Arabia, Sudan, Somalia, Yemen, and the Palestine Liberation Organization to protect environment of Red Sea and Gulf of Aden.
VII. MARITIME BOUNDARIES	Feb 58	Agreement		Continental shelf boundary agreement with Bahrain EIF; see LIS No.12.
	Jan 69	Agreement		Continental shelf boundary agreement with Iran EIF; see LIS No. 24.
	May 74	Agreement		Agreement with Sudan relating to joint exploration and exploitation of Red Sea seabed and subsoil resources signed.

TYPE	DATE	SOURCE	LIMITS	NOTES
VIII. LOS CONVENTION	Dec 84			Signed.
	Apr 96			Became a Party to Convention and Part XI Agreement, with declaration claiming that innocent passage does not apply in territorial sea when high seas or EEZ route exists which is equally suitable as regards navigational and hydrographic features; and claimed powers to regulate Nuclear Powered Vessels in territorial sea and to require prior authorization for such vessels. U.S. does not recognize these claims.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. The following is extracted from Royal Decree No. 33 of 16 February 1958, as presented (with explanatory notes) in Limits in the Seas, No. 20, "Straight Baselines: Saudi Arabia," published by the Geographer, Department of State, 8 June 1970:

Article 1. For the purposes of this decree,

- a. The term "nautical mile" is the equivalent of 1,852 meters;
- b. The term "bay" includes any inlet, lagoon or other arm of the sea;
- c. The term "island" includes any islet, reef, rock, or permanent artificial structure not submerged at lowest low tide;
- d. The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- e. The term "coast" refers to the coasts of the Red Sea, the Gulf of 'Aqabah, and the Persian Gulf.

Article 2. The territorial sea of the Kingdom of Saudi Arabia, as well as the air space above and the territorial sea bed and the subsoil beneath are under the sovereignty of the Kingdom, subject to the established rules of international law.

Article 3. The inland waters of the Kingdom include:

- a. The waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- b. The waters above and landward from any shoal not more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- c. The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- d. The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

Article 4. The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

Article 5. The following are the base-lines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- a. Where the mainland or the shore of an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- b. Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- c. Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- d. Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;
- e. Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the island;
- f. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and

- along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- g. Where there is an island group which may be connected by lines not more than twelve nautical miles long, lines drawn along the shore of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6. If the measurement of the territorial sea in accordance with the provisions of this decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7. If the territorial sea measured from the base-lines fixed by Article 5 of the decree be overlapped by the waters of another state, boundaries will be determined by our Government in agreement with that state in accordance with equitable principles.

Article 8. To assure compliance with the laws of the Kingdom relating to security, navigation, fiscal and sanitary matters, maritime surveillance covers a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the base-lines of the territorial sea, in accordance with Article 5 of this decree.

Article 9. The provisions of this decree shall not affect the rights of the Kingdom with respect to fishing.

B. ANALYSIS The following comments regarding the Saudi Arabian straight baseline legislation is extracted from Limits in the Seas, No. 20, "Straight Baselines: Saudi Arabia," published by the Geographer, Department of State, 8 June 1970:

Several unusual features occur in the Saudi decree. A "bay," for example, does not have to meet the semi-circularity requirement or the 24-nautical miles closing limit of the Geneva Convention. According to the decree a "bay" includes any inlet, lagoon or arm of the sea. It should be noted that Saudi Arabia is not a party to the Geneva Convention on the Territorial Sea and the Contiguous Zone.

Secondly, the term "island," as used in the decree, refers to any elevation not below lowest low water. By this definition "drying rocks" or even "rocks awash" qualify as islands which may be utilized for the measurement of the territorial sea or drawing straight baselines. Thirdly, a "shoal," basically an underwater area, equates with an "island" if the shoal possesses one drying rock. The Saudi decree, furthermore permits the use of the outer edge of the shoal and not just the "drying rock" for the limit of the straight baseline/ baseline for the territorial sea. Finally, the decree introduces a negative concept which does not conform with the language of the Geneva Convention. The decree speaks of elevations which are "not submerged by" rather than those which are above lowest low water. Thus, a point at the tidal datum of lowest low water would practically be a "drying rock" and hence an "island" in the Saudi context. Since surveys in the Gulf are not very precise, such a definition could lead to an unlimited extension of the inland waters through the use of extended straight baselines.

Applying the criteria produces many problems of interpretation. Virtually all indentations of the coast may be enclosed by bay closing lines. Moreover, the existence of numerous, and often uncharted shoals introduces much confusion in the Persian Gulf area. Two major areas--Fasht Bildani and Fasht al-Kash-- extend over 25 and 15 nautical miles, respectively, along the direction of the coast. The precise details of the two shoals are unmapped on U.S. charts of the Gulf. Instead, rectangular areas are marked off with the warning of the existence of numerous shoals and heads in the area. Since shoals are within 12 nautical miles of the Saudi shoreline or of islands, they thus could be enclosed within straight baselines. Similar shoal areas, also within the specified distance of Saudi territory, extend southward to Ra's at-Tannurah, near the sea frontier with Bahrain. Presumably, if the law were applied strictly, straight baselines would extend for the entire coastline from the former Neutral Zone boundary to Bahrain. It is impossible to generalize, as a result, the extent of the Saudi claims in the Gulf.

Moreover, a similar situation exists along the Red Sea coast. From the Yemeni boundary northward, the coast is fringed virtually continuously with "islands" and "shoals" as far as the Gulf of Aqaba. U.S. charts show many of the shoals to contain "rocks awash" or "sunken rocks" which might qualify, with the lower Saudi datum, as "islands." In the Strait of Tiran, the Saudi islands of Tiran and Sanafir are within 12 nautical miles of the coast and each other, (as well as other adjacent islands). Straight baselines could presumably be drawn about them. In contrast, the Gulf of Aqaba is virtually without islands.

If the Saudi decree were rigorously applied, it would appear that, with the exception of the Gulf of Aqaba, virtually all of the state coasts would be bordered by straight baselines. These would extend from 12 to 20 nautical miles from the coast. Since, in the negotiations with Iran for the division of the continental shelf of the Gulf, Saudi Arabia utilized the Indian spring low water line of its coast line and not straight baselines, it would appear that an extreme interpretation is not given to the language of the Decree. The precise delimitation of the straight baselines, however, will have to await the publication of official charts as required by the Geneva Convention.

c. MARITIME BOUNDARIES

MARITIME BOUNDARY: SAUDI ARABIA-BAHRAIN, 1958

First Clause

1. The boundary line between the Kingdom of Saudi Arabia and the Bahrain Government will begin, on the basis of the middle line from point 1, which is situated at the mid-point of the line running between the tip of the Ras al Bar (A) at the southern extremity of Bahrain and Ras Muharra (B) on the coast of the Kingdom of Saudi Arabia.
2. Then the above-mentioned middle line will extend from point 1 to point 2 situated at the mid-point of the line running between point (A) and the northern tip of the island of Zakhnuniya (C).
3. Then the line will extend from point 2 to point 3 situated at the mid-point of the line running between point A and the tip of Ras Saiya (D).
4. Then the line will extend from point 3 to point 4, which is defined on the attached map and which is situated at the mid-point of the line running between the two points E and F which are both defined on the map.
5. Then the line will extend from point 4 to point 5, which is defined on the map and which is situated at the point (sic) of the line running between the two points G and H which are defined on the map.
6. Then the line will extend from point 5 to point 6, which is defined on [a] map [attached to the agreement] and which is situated at the mid point of the line running between the two points I and J which are defined on the map.
7. the line will extend from point 6 to point 7 situated at the mid-point of the line running between the south-western tip of the island of Umm Nasan (K) and Ras Al Kureya (L).
8. Then the line will extend from point 7 to point 8 situated at the western extremity of the island Al Baina As Saghir, leaving the island to the Government of Bahrain.
9. Then the line will extend from point 8 to point 9 situated at the eastern extremity of the island Al Baina Al Kabir, leaving the island to the Kingdom of Saudi Arabia.
10. Then the line will extend from point 9 to point 10 situated at the mid-point of the line running between the north-western tip of Khor Fasht (M) and the southern end of the island of Chaschus (N).
11. Then the line will extend from point 10 to point 11 situated at the mid-point of the line running between point O situated at the western edge of Fasht Al Jarim and point N referred to in subsection 10 above.
12. Then the line will extend from point 11 to point 12 situated at latitude 26° 31' 48" north and longitude 50° 23' 15" east approximately.
13. Then the line will extend from the point 12 to point 13 situated at latitude 26° 37' 15" north and longitude 50° 33' 24" east approximately.
14. Then the line will extend from point 13 to 14 situated at latitude 26° 59' 30" north and longitude 50° 46' 24" east approximately, leaving the Rennie Shoals (known as Najwat Al Riqai and Fasht Al Anawiyah) to the Kingdom of Saudi Arabia.
15. Then the line will extend from point 14 in a north-easterly direction to the extent agreed upon in the royal proclamation issued on the 1st Sha'aban in the year 1368 (corresponding to 28th May 1949) and in the ordinance issued by the Government of Bahrain on the 5th June 1949.
16. Everything situated to the left of the above-mentioned line in the above subsections belongs to the Kingdom of Saudi Arabia and everything to the right of that line to the Government of Bahrain, with the obligation of the two governments to accept what will subsequently appear in the second clause below.

Second Clause

The area situated within the six defined sides is as follows:

1. A line beginning from a point situated at latitude 27° north and longitude 50° 23' east approximately.
2. From there to a point situated at latitude 26° 31' 48" north and longitude 50° 23' 15" east approximately.
3. From there to a point situated at latitude 26° 37' north and longitude 50° 33' east approximately.
4. From there to a point situated at latitude 26° 59' 30" north and longitude 50° 46' 24" east approximately.
5. From there to a point situated at latitude 26° 59' 30" north and longitude 50° 40' east.
6. From there to a point situated at latitude 27° north and longitude 50° 40' east approximately.
7. From there to the starting box.

The area cited and defined above shall be in the part falling to the Kingdom of Saudi Arabia in accordance with the wish of H.H. the ruler of Bahrain and the agreement of H.M. the King of Saudi Arabia. The exploitation of the oil resources of this area will be carried out in the way chosen by His Majesty on the condition that he grants the Government of Bahrain one half of the net revenue accruing to the Government of Saudi Arabia and arising from this exploitation, and on the understanding that this does not infringe on the right of sovereignty of the Government of Saudi Arabia nor the right of administration over this above-named area.

MARITIME BOUNDARY: SAUDI ARABIA-IRAN

...desirous of determining in a just and accurate manner the boundary line separating the respective submarine areas over which each party is entitled by international law to exercise sovereign rights...

Article 1

The Parties mutually recognize the sovereignty of Saudi Arabia over the island of Al-'Arabiyah and of Iran over the island of Farsi. Each island shall possess a belt of territory Sea twelve nautical miles in width, measured from the lowest low water on each of the said islands. In the area where these belts overlap, a boundary line separating the territorial seas of the two islands shall be drawn so as to be equidistant throughout its length from the lowest low water lines on each island.

Article 2

The boundary line separating the submarine areas which appertain to Saudi Arabia from the submarine areas which appertain to Iran shall be a line established as hereinafter provided. Both Parties mutually recognize that each possesses over the seabed and subsoil of the submarine areas on its side of the line sovereign rights for the purpose of exploring and exploiting the natural resources therein.

Article 3

The boundary line referred to in Article 2 shall be:

(a) Except in the vicinity of Al-'Arabiyah and Farsi, the said line is determined by straight lines between the following points whose latitude and longitude are specified herein below:

POINT	LATITUDE N	LONGITUDE E
1	27° 10.0'	50° 54.0'
2	27° 18.5'	50° 45.5'
3	27° 26.5'	50° 37.0'
4	27° 56.5'	50° 17.5'
5	28° 08.5'	50° 06.5'
6	28° 17.6'	49° 56.2'
7	28° 21.0'	49° 50.9'
8	28° 24.7'	49° 47.8'
9	28° 24.4'	49° 47.4'
10	28° 27.9'	49° 42.0'
11	28° 34.8'	49° 39.7'
12	28° 37.2'	49° 36.2'
13	28° 40.9'	49° 33.5'
14	28° 41.3'	49° 34.3'

(b) In the vicinity of Al-'Arabiyah and Farsi, a line laid down as follows:

At the point where the line described in paragraph (a) intersects the limit of the belt of territorial sea around Farsi, the boundary shall follow the limit of that belt on the side facing Saudi Arabia until it meets the limit of the belt of territorial sea around Al-'Arabiyah; thence it shall follow the limit of that belt on the side facing Iran until it intersects again the line described in paragraph (a).